

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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: In the Matter of the Arbitration Between :  
: NATIONAL UNION FIRE INSURANCE COMPANY :  
: OF PITTSBURGH, PA, on behalf of itself and its related :  
: matters, :  
: Petitioner, :  
: -v- :  
: SOURCE ONE STAFFING, LLC, :  
: Respondent. :  
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16-CV-6461 (JMF)

MEMORANDUM OPINION  
AND ORDER

JESSE M. FURMAN, United States District Judge:

On November 14, 2017, Petitioner filed a Petition to Confirm Arbitration. (Docket No. 52). On November 15, 2017, the Court set a briefing schedule for Respondent's opposition, and Petitioner's reply. (Docket No. 56). Pursuant to the briefing schedule, Respondent's opposition was due no later than December 4, 2017. (Docket No. 56). To date, Respondent has neither responded to the petition nor otherwise sought relief from the Award.

The Court must treat the Petition, even though unopposed, "as akin to a motion for summary judgment based on the movant's submissions." *Trustees for Mason Tenders Dist. Council Welfare Fund, Pension Fund, Annuity Fund & Training Program Fund v. Capstone Const. Corp.*, 11-CV-1715 (JMF), 2013 WL 1703578, at \*2 (S.D.N.Y. Apr. 19, 2013) (discussing in depth the legal standards for resolving unopposed petitions to confirm arbitration awards). After reviewing the petition and the supporting materials, the Court finds that there is no genuine issue of material fact precluding summary judgment as to all portions of the Award,

as the Arbitrator's decision provides more than "a barely colorable justification for the outcome reached." *Id.* at \*3 (internal quotation marks omitted). Nor is there any justification under Section 10(a) of the Federal Arbitration Act for vacating the Award. Accordingly, the Court grants Petitioner's unopposed petition to confirm the entire Award.

Petitioner is directed to submit a proposed Judgment consistent with this Memorandum Opinion and Order to the Orders and Judgments Clerk of this Court by **December 18, 2017**.

SO ORDERED.

Dated: December 11, 2017  
New York, New York



JESSE M. FURMAN  
United States District Judge